

MATTHEW J. ADLER (SBN 273147)
Matthew.Adler@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
Four Embarcadero Center, 27th Floor
San Francisco, California 94111-4180
Telephone: 415-591-7500
Facsimile: 415-591-7510

JEFFREY S. JACOBSON (*pro hac vice*)
Jeffrey.Jacobson@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
1177 Avenue of the Americas, 41st Floor
New York, New York 10036-2714
Telephone: 212-248-3140
Facsimile: 212-248-3141

RYAN M. SALZMAN (SBN 299923)
Ryan.Salzman@faegredrinker.com
FAEGRE DRINKER BIDDLE & REATH LLP
1800 Century Park East, Suite 1500
Los Angeles, California 90067-1517
Telephone: 310-203-4000
Facsimile: 310-229-1285

Attorneys for Defendant
EPIC GAMES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

C.W., a minor, by and through his
Guardian, Rebecca White, on behalf of
himself and all others similarly situated,

Plaintiff,

V.

EPIC GAMES, INC., a North Carolina corporation,

Defendant.

Case No. 4:19-cv-3629-YGR

Hon. Yvonne Gonzalez Rogers

**JOINT STIPULATION AND [PROPOSED]
ORDER TO SET BRIEFING SCHEDULE
AND HEARING DATE ON EPIC GAMES
INC.'S RESPONSE TO PLAINTIFF'S
FIRST AMENDED COMPLAINT;
DECLARATION OF JEFFREY S.
JACOBSON IN SUPPORT**

Action Filed: June 21, 2019

Trial Date: None set

**JOINT STIPULATION AND [PROPOSED] ORDER TO
SET BRIEFING SCHEDULE AND HEARING DATE ON
RESPONSE TO FIRST AMENDED COMPLAINT;
JACOBSON DECLARATION**

1 Plaintiff C.W., a minor, by and through his Guardian, Rebecca White (“Plaintiff”), and
 2 Defendant Epic Games, Inc. (“Epic Games”) (collectively “the Parties”), by and through their
 3 respective counsel of record, hereby submit the following Stipulation:

4 WHEREAS, on June 21, 2019 Plaintiff filed his initial Complaint in the action (Dkt. No.
 5 1);

6 WHEREAS, on August 26, 2019 Defendant filed its Motion to Dismiss Plaintiff’s
 7 Complaint (Dkt. No. 18), Motion to Compel Compliance with Fed. R. Civ. Proc. 10(a) (Dkt. No.
 8 20), and Motion to Compel Arbitration or, in the Alternative Transfer the Action to the Eastern
 9 District of North Carolina (Dkt. No. 21);

10 WHEREAS, on January 23, 2020 the Court issued an Order granting in part and denying in
 11 part Defendant’s Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 18), denying Defendant’s
 12 Motion to Compel Arbitration or, in the Alternative Transfer the Action to the Eastern District of
 13 North Carolina (Dkt. No. 21), and granting Defendant’s Motion to Compel Compliance with Fed.
 14 R. Civ. Proc. 10(a) (Dkt. No. 20) (the “Order”) (Dkt. No. 54);

15 WHEREAS, the Order required Plaintiff to file an Amended Complaint within twenty-one
 16 (21) days of issuance of the Order;

17 WHEREAS, the Order required Defendant to file any response to Plaintiff’s Amended
 18 Complaint within fourteen (14) days of Plaintiff filing an Amended Complaint;

19 WHEREAS, Plaintiff filed an Amended Complaint on February 13, 2020 (Dkt. No. 56);

20 WHEREAS, Defendant’s response to Plaintiff’s Amended Complaint is presently due to be
 21 filed on or before February 27, 2020;

22 WHEREAS; lead trial counsel for Defendant, Jeffrey S. Jacobson, is scheduled to undergo
 23 a surgical procedure on March 23, 2020 which will not permit him to travel for approximately six
 24 (6) weeks following the procedure (*See* Declaration of Jeffrey S. Jacobson (“Jacobson Decl.”) ¶ 5);

25 WHEREAS, to accommodate the foregoing, counsel for the Parties met and conferred and
 26 stipulated, pending entry of an order by the Court on the same, to the following briefing and hearing
 27 schedule for Defendant’s response to the Amended Complaint (*See* Jacobson Decl. ¶ 6);

28 JOINT STIPULATION AND [PROPOSED] ORDER TO
 SET BRIEFING SCHEDULE AND HEARING DATE ON
 RESPONSE TO FIRST AMENDED COMPLAINT;
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1 WHEREAS, the only previous time modification in the action is the Court's September 6,
2 2019 Order Vacating the Case Management Conference scheduled for September 23, 2019 (Dkt.
3 No. 29) (*See* Jacobson Decl. ¶ 9);

4 WHEREAS, the proposed modification to the briefing schedule will not alter the date of
5 any other event set by the Court or otherwise impact the schedule for the action. (*See* Jacobson
6 Decl. ¶ 8)

7 **NOW, THEREFORE, THE PARTIES JOINTLY STIPULATE AS FOLLOWS:**

8 Defendant's motion to dismiss in response to Plaintiff's Amended Complaint shall be filed
9 on or before March 12, 2020;

10 Plaintiff's opposition shall be filed on or before April 9, 2020;

11 Defendant's reply shall be filed on or before April 23, 2020; and

12 Defendant shall notice the hearing for May 19, 2020 at 2:00 P.M. or the next date available
13 for the Court.

14 **IT IS SO STIPULATED.**

15 Dated: February 21, 2020

ONE LLP

17 By: /s/ Deepali A. Brahmbhatt

18 John Lord
Deepali A. Brahmbhatt
Peter Afrasiabi

20 Attorneys for Plaintiff C.W. and through his
Guardian Rebecca White and the Proposed Class

22 Dated: February 21, 2020

FAEGRE DRINKER BIDDLE & REATH LLP

24 By: /s/ Jeffrey S. Jacobson

25 Jeffrey S. Jacobson (*pro hac vice*)
Matthew J. Adler
Ryan M. Salzman

27 Attorneys for Defendant
EPIC GAMES, INC.

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Attestation Pursuant to Civil Local Rule 5-1(i)

Pursuant to Civil Local Rule 5-1(i), I, Jeffrey S. Jacobson, hereby attest that I have obtained concurrence in the filing of this document from the other signatories to this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of February, 2020 in New York, New York.

/s/ Jeffrey S. Jacobson
Jeffrey S. Jacobson

[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, **IT IS SO ORDERED.**

Date:

HON. YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

1
2 **DECLARATION OF JEFFREY S. JACOBSON**

3 I, JEFFREY S. JACOBSON, hereby declare:

4 1. I am a partner in the law firm of Faegre Drinker Biddle & Reath LLP, counsel of
5 record for Defendant Epic Games, Inc. (“Epic Games”) in the above-captioned action. I am
6 admitted *pro hac vice* in this action. I make this Declaration in support of the parties’ Joint
7 Stipulation to Set Briefing Schedule and Hearing Date on Epic Games’ Responsive Pleading to
8 Plaintiff’s Amended Complaint. The matters stated herein are based upon my own personal
9 knowledge, and if called as a witness, I could and would competently testify as follows:

10 2. On January 23, 2020 the Court issued an Order (Dkt. No. 54) granting in part and
11 denying in part Defendant’s Motion to Dismiss Plaintiff’s Complaint (Dkt. No. 18), denying
12 Defendant’s Motion to Compel Arbitration or, in the Alternative Transfer the Action to the
13 Eastern District of North Carolina (Dkt. No. 21), and granting Defendant’s Motion to Compel
14 Compliance with Fed. R. Civ. Proc. 10(a) (Dkt. No. 20).

15 3. The January 23, 2020 order required Plaintiff to file an Amended Complaint
16 within twenty-one (21) days of issuance of the order. The Order also required Epic Games to file
17 any response to Plaintiff’s Amended Complaint within fourteen (14) days of Plaintiff filing an
18 Amended Complaint.

19 4. Plaintiff filed an Amended Complaint on February 13, 2020 (Dkt. No. 56) and
20 Epic Games’ responsive pleading to Plaintiff’s Amended Complaint is presently due to be filed
21 on or before February 27, 2020. Based on this responsive pleading date, the earliest Epic Games’
22 motion responsive to Plaintiff’s Amended Complaint can be heard pursuant to Northern District
23 of California Local Rule 7-2 is April 7, 2020.

24 5. I am scheduled to undergo an in-patient surgical procedure on March 23, 2020.
25 This will prohibit my ability to travel for approximately six (6) weeks following the procedure,
26 and impact my ability to appear before the Court at a hearing on Epic Games’ responsive
27 pleading to Plaintiff’s Amended Complaint prior to mid-May 2020.

28
JOINT STIPULATION AND [PROPOSED] ORDER TO
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6. In light of this limitation, on February 20, 2020 counsel for Epic Games met and conferred with counsel for Plaintiff, and agreed, pending entry of an order by the Court on the same, to continue Epic Games' responsive pleading deadline and set a briefing schedule on Epic Games' motion set forth below.

7. The Parties have agreed to the following briefing and hearing schedule: Epic Games' responsive pleading to Plaintiff's Amended Complaint shall be filed on or before March 12, 2020; Plaintiff's opposition to any responsive pleading filed by Epic Games shall be filed on or before April 9, 2020; Epic Games' reply to Plaintiff's opposition shall be filed on or before April 23, 2020; and the hearing on Epic Games' responsive pleading shall be set for hearing on May 19, 2020 at 2:00 P.M.

8. This minor continuance of Epic Games' responsive pleading deadline and setting of a briefing schedule will not alter the date of any other event set by the Court or otherwise impact the overall schedule for the case.

9. To date, the only previous time modification in the action is the Court's September 6, 2019 Order Vacating the Case Management Conference scheduled for September 23, 2019 (Dkt. No. 29).

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct. Executed this 21st day of February, 2020, at New York, New York.

/s/ Jeffrey S. Jacobson
Jeffrey S. Jacobson